

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF NEW JERSEY

In re EFFEXOR XR ANTITRUST LITIGATION  
This Document Relates To:  
**Individual Third Party Payor Actions**

Civil Action No. 11-5590 (JAP) (LHG)

**STIPULATION AND CONSENT TO  
FILE SECOND AMENDED  
COMPLAINT**

It is hereby stipulated and consented to by Plaintiffs, Painters District Council No. 30 Health & Welfare Fund and Medical Mutual of Ohio, and Defendants, Wyeth, Inc., Wyeth Pharmaceuticals, Inc., Wyeth-Whitehall Pharmaceuticals and Wyeth Pharmaceuticals Co., by and through their undersigned counsel and pursuant to FED. R. CIV. P. 15(a)(2), that Plaintiffs shall file their Second Amended Complaint and that Defendants do not waive any defenses thereto. The actions in which the Second Amended Complaint, which will not contain class action allegations, and any other non-class action complaints by other individual third-party payors are filed, shall be referred to as "Individual Third Party Payor" actions, and will be coordinated with those actions in which the Consolidated Amended Complaints were filed by counsel for the putative class of the Direct Purchasers and counsel for the putative class of the Indirect Purchasers, and the actions of the Individual Direct Purchasers consistent with Case Management Order No. 1, ¶ 9, entered by the Court on December 13, 2011 (D.E. 25).

Any document filed in connection with the Individual Third Party Payors' actions shall reflect the following: "This Document Relates To: Individual Third Party Payor Actions".

*Plaintiffs shall file the Second Amended Complaint in accordance with this Stipulation and Consent Order within four days of entry of this Order.*

So Ordered this 25<sup>th</sup> day  
of January, 2012  
Jays

Defendants shall file their Answer, motion or other responsive pleading directed to the Second Amended Complaint according to the schedule to be submitted to the Court on January 27, 2012.

**AGREED TO:**

Plaintiffs:

By: /s/ Marvin A. Miller  
Marvin A. Miller  
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*Counsel for Painters District Council  
No. 30 Health & Welfare Fund*

and

By: Pamela Slate  
Pamela Slate  
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*Counsel for Medical Mutual of Ohio*

By: KR  
Kevin P. Roddy (KR-2359)  
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*Local Counsel for Plaintiffs Painters  
District Council No. 30 Health & Welfare  
Fund and Medical Mutual of Ohio*

Dated: January 23, 2012

Defendants:

By: /s/ Jack Pace III  
Jack Pace III  
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New York, New York 10036-2787  
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By: /s/ Liza M. Walsh  
Liza M. Walsh  
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*Counsel for Defendants Wyeth,  
Inc., Wyeth Pharmaceuticals,  
Inc., Wyeth-Whitehall  
Pharmaceuticals and Wyeth  
Pharmaceuticals Co.*